

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW								
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">COUNSEL</th> <th rowspan="3" style="width:50%;">NAME OF COUNSEL AND OR ORGANIZATION</th> <th rowspan="3" style="width:50%;">ADDRESS AND OR ORGANIZATION OF COUNSEL</th> </tr> <tr> <td style="width:5%;">YES</td> <td style="width:5%;">No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>		COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES	No		X		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL								
YES	No										
	X										

MEMBER SITTING	NOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A95.00	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD			
		1	ORDER APPOINTING THE BOARD		
		2	APPLICATION FOR REVIEW OF DISCHARGE		
		3	LETTER OF NOTIFICATION		
		4	BRIEF OF PERSONNEL FILE		
			COUNSEL'S RELEASE TO THE BOARD		
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
			TAPE RECORDING OF PERSONAL APPEARANCE		

HEARING DATE 06 Dec 2003	CASE NUMBER FD-2002-0307	
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APPLICANT'S FILE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Randolph AFB, Texas

Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR

SIGNATURE OF RECORDING OFFICER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
FORSEMENT	DATE 12/6/2003

TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2002-0307

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of Discharge is denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge. The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received an Article 15 for failure to go on numerous occasions. In addition, he received two Letters of Reprimand for being late for duty and three Records of Individual Counseling for being late for duty, dereliction of duty, and violation of Air Force standards of dress and appearance. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings the board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/03/16 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 79/12/19. Enlmt Age: 19 5/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-77, E-81, G-64, M-74. PAFSC: 2A333A - F-15 Tactical Aircraft Maintenance Apprentice. DAS: 00/03/22.

b. Prior Sv: (1) AFRes 99/05/25 - 99/07/20 (1 month 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AMN 99/07/21 FOR 6 Yrs. Svd: 01 Yrs 07 Mo 26 Das, all AMS.

b. Grade Status: AB - 01/02/21 (Article 15, 01/02/21).
A1C - Unknown.

c. Time Lost: None.

d. Art 15's: (1) 01/02/21, Seymour Johnson AFB, NC - Article 86. You did, on divers occasions, between on or about 17 Jan 01 and on or about 19 Jan 01, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 14 Feb 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB.
(Appeal/Denied) (No mitigation)

e. Additional: RIC, 05 JAN 01 - Violation of Air Force Standards of Dress and Appearance.

LOR, 30 NOV 00 - Late for duty.

LOR, 04 OCT 00 - Late for duty.

RIC, 12 SEP 00 - Dereliction of duty.

RIC, 26 JUL 00 - Late for duty.

f. CM: None.

g. Record of SV: None.

(Discharged from Seymour Johnson AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (01) Yrs (09) Mos (22) Das
TAMS: (01) Yrs (07) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/07/10.
(Change Discharge to Honorable)

Plan to appear in person and will discuss issues at that time.

ATCH

1. Two Character References.
2. AF Form 100.

02/11/01/ia

1.18.2, when "significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record." AB [REDACTED] has a well-documented history of minor misconduct since his arrival at Seymour Johnson AFB. His repeated misconduct far outweighs the positive aspects of his service; therefore, a general discharge is appropriate.

c. Probation and Rehabilitation: I concur with the commander's recommendation that AB [REDACTED] not be offered P&R. The Air Force has already made substantial efforts to rehabilitate this member through counseling and discipline. Rather than take responsibility for his actions and correct his behavior in response to these measures, AB [REDACTED] continued to engage in misconduct, thereby showing that he does not have the capacity to be rehabilitated for continued military service. Therefore, P&R is not appropriate in this case.

6. LEGAL SUFFICIENCY: This case is legally sufficient, contingent upon a finding that the respondent is medically qualified for worldwide duty.

7. OPTIONS: As the separation authority, you have the following options in this case:

a. Retain the respondent; or

b. Approve separation and recommend to the 9 AF/CC that the respondent be discharged with an honorable discharge with or without probation and rehabilitation; or

c. Approve separation and discharge the respondent with a general discharge with or without probation and rehabilitation; or

d. If you believe an under other than honorable conditions (UOTHC) discharge is appropriate, return the case file to the squadron commander and direct processing by administrative board procedures IAW AFI 36-3208, paragraph 6.13.

8. RECOMMENDATION: That you approve the separation of AB [REDACTED] from the United States Air Force with a general discharge, without probation and rehabilitation, by signing the attached memorandum.

[REDACTED]
Lt Col, USAF
Staff Judge Advocate

Attachment:
Case File—AB [REDACTED]



DEPARTMENT OF THE AIR FORCE
4TH FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

FD 2002-0307

MAR 07 2001

MEMORANDUM FOR AB [REDACTED]

FROM: 335 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. According to Table 1.3 of AFI 36-3208, your service can be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On or about 26 July 2000, you reported late for duty for which you received a Record of Individual Counseling. This is evidenced by an AF Form 174, dated 26 July 2000 (Tab 1a).

b. On or about 8 September 2000, you were derelict in the performance of your duties in that you were observed by Quality Assurance (QA) prepping aircraft 0471 for a CFT removal without tech data for which you were given a Record of Individual Counseling. This is evidenced by an AF Form 174, dated 12 September 2000 (Tab 1b).

c. On or about 3 October 2000, you reported late for duty for which you received a Letter of Reprimand. This is evidenced by a Letter of Reprimand, dated 4 October 2000 (Tab 1c).

d. On or about 28 November 2000, you reported late for duty for which you received a Letter of Reprimand. This is evidenced by a Letter of Reprimand, dated 30 November 2000 (Tab 1d).

e. On or about 5 January 2001, you reported for duty in violation of Air Force Standards of Dress and Appearance, in that you failed to shave prior to reporting for duty for which you received a Record of Individual Counseling. This is evidenced by an AF Form 174, dated 5 January 2001 (Tab 1e).

f. Between on or about 17 January 2001 and on or about 19 January 2001 and on or about 14 February 2001, you failed to go to your appointed place of duty for which you received an Article 15. These actions are evidenced by an AF Form 3070, dated 15 February 2001 (Tab 1f).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force, and if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt [REDACTED] Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Your appointment has been scheduled on 9 Mar 2001 (date) at 0900 hrs (time). You may consult civilian counsel at your own expense. DFO DFO

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 12 Mar 01 1000L (allow three duty days) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a mandatory medical examination at the 4th Medical Group, Seymour Johnson AFB, Green Team at 0915 hours on 8 March 2001.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 33-332 is available for your use at the unit orderly room or the Area Defense Counsel office.

9. Execute the attached acknowledgement and return it to me immediately.

[REDACTED]
[REDACTED] Lt Col, USAF
Commander

Attachments:

Supporting Documentation:

- a. AF Form 174, dated 25 July 2000
- b. AF Form 174, dated 12 September 2000
- c. Letter of Reprimand, dated 4 October 2000
- d. Letter of Reprimand, dated 30 November 2000
- e. AF Form 174, dated 5 January 2001
- f. AF Form 3070, dated 15 February 2001